

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 11-cv-02936-REB-KLM

MUTUAL OF OMAHA BANK,

Plaintiff,

v.

GARY W. MCKEE, of McKee Enterprises, and any and all occupants claiming an interest under the defendant,

Defendant.

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**ORDER ADOPTING RECOMMENDATION OF  
UNITED STATES MAGISTRATE JUDGE**

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**Blackburn, J.**

This matter is before me on the following: (1) the **Plaintiff's Motion for Remand To State Court** [#6]<sup>1</sup> filed December 1, 2011; and; (2) the **Recommendation of United States Magistrate Judge** [#11] filed January 23, 2012. The plaintiff has not filed objections to the recommendation. I approve and adopt the recommendation, grant the motion to remand, and remand this case.

The plaintiff is proceeding *pro se*. Thus, I have construed his pleadings and other filings more liberally and held them to a less stringent standard than formal pleadings drafted by lawyers. **See *Erickson v. Pardus***, 551 U.S. 89, 94 (2007); ***Andrews v. Heaton***, 483 F.3d 1070, 1076 (10th Cir. 2007); ***Hall v. Bellmon***, 935 F.2d 1106, 1110

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<sup>1</sup> “[#6]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court's electronic case filing and management system (CM/ECF). I use this convention throughout this order.

(10<sup>th</sup> Cir. 1991).

The plaintiff did not file objections to the recommendation and, therefore, I review the recommendation only for plain error. **See *Morales-Fernandez v. Immigration & Naturalization Service***, 418 F.3d 1116, 1122 (10<sup>th</sup> Cir. 2005).<sup>2</sup> Finding no error, much less plain error, I approve and adopt the recommendation and grant the motion to remand.

**THEREFORE, IT IS ORDERED** as follows:

1. That the **Recommendation of United States Magistrate Judge** [#11] filed January 23, 2012, is **APPROVED** and **ADOPTED** as an order of this court;
2. That the **Plaintiff's Motion for Remand To State Court** [#6] filed December 1, 2011, is **GRANTED**;
3. That this action is **REMANDED** to the District Court, Jefferson County, Colorado; and
4. That the plaintiff's **Motion for Appointment of Receiver** [#13] filed May 21, 2012, is **DENIED** as moot.

Dated May 23, 2012, at Denver, Colorado.

**BY THE COURT:**

  
Robert E. Blackburn  
United States District Judge

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<sup>2</sup> This standard pertains even though plaintiff is proceeding *pro se* in this matter. ***Morales-Fernandez***, 418 F.3d at 1122.